



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

217
SC
#11
4-21-04

Applicant(s): Howard Abrams et al
Title: ONLINE LIVE SEARCH SYSTEMS
Serial No.: 09/659,215
Filing Date: 09/11/2000
Examiner: Frantz Coby (703)305-4006
Confirmation: 5736
Group Art Unit: 2171
Docket No.: 004747.P006

Mail Stop: Non-Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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APR 08 2004

Response to Office Action

Technology Center 2600

Dear Sir:

In response to the Office Action mailed on October 2, 2003, the Applicants respectfully request for a three-month extension to respond to the Office Action. The Commissioner is authorized to charge the Deposit Account No.: 502436, Small Entity (Order MUSE-P006) for any fee that may be due to respond to the Office Action.

The Applicant was aware that the Notice of Allowance was vacated in view of a newly discovered reference entitled "Adapting publish/subscriber middleware to achieve Gnutella-like functionality", by Dennis Heimbigner ("Reference" hereinafter). However, it also comes to the attention of the Applicant that the Reference has a publication date of September 1, 2000 while the current pending application has a filing date of September 11, 2000. In other words, the publication date of the Reference is 11 days earlier than the filing date of the current pending application.

The Applicant respectfully submits an Affidavit under 37 CFR 1.131. The Affidavit states that the invention of the subject matter of the pending Claims 1, 3, 10, 12-14, 16-19 and 23-26 is prior to the effective date of the newly cited reference.

04/23/2004 SCHRIPMAN 502436 09659215
01 FC:1253 950.00 DA

In particular, the Applicant wishes to refer the Examiner to a copy of the service record enclosed with the Affidavit. The service record maintained by the law firm engaged to prepare and file the current application shows that the application was started based on the submitted idea described and claimed in the application prior to the publication date of the Reference. Particular facts are circled and noted in red in the service record. Together with the copy from the engineering notes maintained by the Applicant, it is respectfully submitted that the current invention was conceived, reduced to practice prior to the publication date of the Reference.

US Code 35 101 states "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, . . ." This has further been defined by the following case law: "He who first perfected a thing is the inventor although others might have experimented with the idea." *Agawam Co. v Jordan* (1869) 74 US583, 19 L Ed 177.

In view of the facts in the Affidavit, it is now believed that Claims 1, 3-7, 10, 12-14, 16-19 and 23-26 are allowable over the cited reference and the entire application is in condition for allowance. The Examiner's early and favorable action is respectfully solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplementary Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at (408)777-8873.

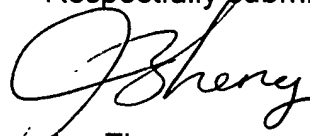
Please telephone the undersigned at (408)777-8873, if there are any questions.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop: Non-Final, Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450,

on 4/2, 2004.


Joe Zheng

Respectfully submitted,


Joe Zheng
Reg. No.: 39,450



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Affidavit Contents

1. 4-pages of Affidavit under 37 CFR 1.131 signed by two co-inventors;
2. Exhibit A including 2 pages
3. Exhibit B including 5 pages

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4-21-04
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Mail Stop: Non-Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Affidavit Under 37 CFR 1.131

Dear Sir:

We, Jonathan B. Lindo and Gavin S. H. Cheng, being duly sworn, depose and state:

1. We are the co-inventors of Claims 1, 3-7, 10, 12-14, 16-19 and 23-26 of the above-identified patent application.
2. Prior to September 1, 2000, we conceived the idea of online live search systems as described and claimed in our application identified above.
3. We were employees of Muse Communication Corporation ("Muse") at the time.
4. Prior to September 1, 2000, together with other co-inventors, we presented the complete idea to our then internal patent advisor who afterwards contacted Blakely, Sokoloff, Taylor & Zafman ("BSTZ"). BSTZ had been engaged by Muse to prepare and prosecute patent applications

based on ideas from employees of Muse. A copy of Invoices from BSTZ as Exhibit A (2 pages) shows that the attorney at BSTZ started the above application based on our idea long before September 1, 2000.

5. Each of developers at Muse was assigned an engineering notebook. Exhibit B (5 pages) shows a copy of notes in our engineering notebooks. These notes show clearly, prior to September 1, 2000, we designed, planned and tested the idea described and claimed in our application identified above.
6. The dates in the Exhibits A and B, if deleted or masked out, are all prior to September 1, 2000.
7. To the best of our knowledge, all statements made in this document are true, and that all statements made on information are believed to be true; and further, that these statements made with knowledge that willful false statements are punishable by fine or imprisonment or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issued thereon.

Executed this 31st day of MARCH, 2004,

Signature: 
Jonathan B. Lindo

STATE OF _____ }
COUNTY OF _____ }

On this _____ day of _____, 2004 before me, _____,
personally appeared Jonathan B. Lindo, personally known to me or proved to me on
the basis of satisfactory evidence to the person, whose name is executed the same

in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Seal:

WITNESS my hand and official seal.

SIGNATURE OF NOTARY PUBLIC

Executed this _____ day of _____, 2004,

Signature: _____
Gavin S. H. Cheng

STATE OF California }
COUNTY OF }

On this _____ day of _____, 2004 before me, _____, personally appeared Gavin S. H. Cheng, personally known to me or proved to me on the basis of satisfactory evidence to the person, whose name is executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Seal:

WITNESS my hand and official seal.

SIGNATURE OF NOTARY PUBLIC

in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Seal:

WITNESS my hand and official seal.

SIGNATURE OF NOTARY PUBLIC

Executed this 1st day of April, 2004.

Signature: _____

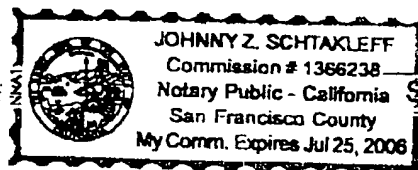
Gavin S. H. Cheng

STATE OF California }
COUNTY OF SAN FRANCISCO }

On this 1st day of APRIL, 2004 before me, JOHNNY Z. SCHTAKLEFF personally appeared Gavin S. H. Cheng, personally known to me or proved to me on the basis of satisfactory evidence to the person, whose name is executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Seal:

WITNESS my hand and official seal.



SIGNATURE OF NOTARY PUBLIC

*Exhibit A***BLAKELY SOKOLOFF TAYLOR & ZAFMAN**

A LIMITED LIABILITY PARTNERSHIP INCLUDING LAW CORPORATIONS

10000 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CALIFORNIA 90025-1030

TELEPHONE (310) 207-3800

FACSIMILE (310) 820-5988
(310) 820-5270BSTZ_MAIL@BSTZ.COM
WWW.BSTZ.COM

REF. NO. 004747

November 9, 2000
INVOICE NO. 169438Muse Communication Corporation
199 California Drive
Suite 105B
Millbrae, CA 94030-3118**COPY***record date*

Services rendered through September 2000

004747.G000
GENERAL SERVICES**RECEIVED**

APR 08 2004

Technology Center 2600

09/13/00 Provided status report on various
filed applications.

Total Services This Matter

\$ 112.50

004747.P005
METHOD AND APPARATUS FOR
AUTO-NAVIGATION WITHIN A 3-D
WEB BROWSING ENVIRONMENT -
UTILITYPreparation of patent application.
0 Preparation of patent application.
Preparation of patent application.
Preparation of patent application.
FINAL DRAFT.

Total Services This Matter

\$ 1,620.00

004747.P006
ONLINE LIVE SEARCH SYSTEMS
- UTILITY*→ current application*Preparation of patent application.
Preparation of patent application.
Preparation of patent application.
07/07/00 Preparation of patent application.*← start application based
on submitted idea*

BLAKELY SOKOLOFF TAYLOR & ZAFMAN

A LIMITED LIABILITY PARTNERSHIP INCLUDING LAW CORPORATIONS

12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CALIFORNIA 90025-1030

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(310) 820-5270BSTZ_MAIL@BSTZ.COM
WWW.BSTZ.COM

Muse Communication Corporation

Invoice No. 169438

November 9, 2000

Page 2

07/10/00 Preparation of patent application.
07/11/00 Preparation of patent application.
07/12/00 Preparation of patent application.
07/15/00 Preparation of patent application.
07/16/00 Preparation of patent application.
07/18/00 Preparation of patent application.
07/25/00 Preparation of patent application.
07/30/00 Preparation of patent application.
08/02/00 Preparation of patent application.
08/04/00 Preparation of patent application.
08/19/00 Preparation of patent application.
09/11/00 Preparation of patent application.
FILED.

filed application

Total Services This Matter

\$ 6,120.00

U.S. Patent and Trademark Office patent
application and Assignment Recordation
filing fees

481.00

Total Costs This Matter

\$ 481.00

004747.Z999

GENERAL EXPENSES

Express Mail

47.25

Total Costs This Matter

\$ 47.25

INVOICE SUMMARY:

TOTAL SERVICES	\$ 7,852.50
TOTAL COSTS	\$ 528.25
TOTAL INVOICE	\$ 8,380.75

TO DO

Page 2

INTERVIEW / W / CLIENT.

CONDUCT ALL / W / CLIENT.

INTERVIEW / W / CLIENT.

DEFEND / W / CLIENT.

#1 DEFEND / W / CLIENT.

#2 DEFEND / W / CLIENT.

DEFEND / W / CLIENT.

FIELD

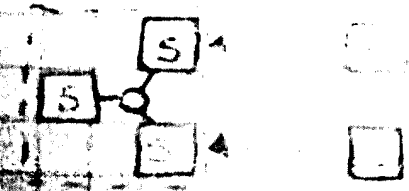
Address



Section

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- _____

STARS

TAGES/GUNS

MARCH 14

- ARE SHOOTING AT COUNTRIES
- 50% SHOOTING
- PERCENTAGE
- DELETED
- OUT OF

PERCENTAGE

TEST

- 100
- 200
- 300
- 400
- 500

Question: ...
N/A

10 ARRIVALS/DEPARTURES

- 500 ARRIVALS
- 500 DEPARTURES
- REGULAR
- REGULAR
- SINGLE ARRIVALS
- SINGLE DEPARTURES

PATENTABLE TECHNOLOGY

- HUBBARD

WIP? - NETWORK PROTOCOL ABSTRACTION (TL/LOP/KMP)